

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the subject application. The Office Action of March 8, 2004 has been received and contents carefully reviewed. By this amendment, Applicant amends claims 1, 4, 6, 9–10, 12, 14, 16–17, 21, 23, 29–31, and 35–36, and cancels claims 2–3, 11, and 19–20.

In the Office Action dated March 8, 2004, the Examiner objects to the first paragraph of the specification over information to be incorporated by reference; objects to claims 4, 5, 21, 22, and 35 under 37 CFR 1.75(c) regarding dependency; rejects claim 1–16 and 31–36 under 35 U.S.C. § 101 due to non-statutory subject matter; rejects claim 6 and 23 under 35 U.S.C. § 112 due to lack of enablement; rejects claims 1–16 and 31–36 under 35 U.S.C. § 112 due to lack of enablement; and rejects claims 1–36 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2002/0022952 by Zager et al. (hereinafter “Zager”).

In the Office Action dated March 8, 2004, the Examiner objects to the first paragraph of the specification over information to be incorporated by reference. By this amendment, Applicant adds the paragraph suggested by the Examiner. However, Applicant respectfully asserts that the sentence pertaining to priority under 35 U.S.C. § 119(e) is applicable and appropriate in accordance with 37 C.F.R. § 1.78(a)(5)(i).

In the Office Action dated March 8, 2004, the Examiner objects to claims 4, 5, 21, 22, and 35 under 37 CFR 1.75(c) regarding dependency. In response, Applicant cancels claims 2, 3, 19, and 20, and amends claims 4, 21, 29, and 30. Applicant respectfully submits that amended claims 4 and 29 properly depend from claim 1, and that amended claims 21 and 30 properly

depend from claim 17. Further, Applicant hereby amends claim 35 to redress the Examiner's objection.

In the Office Action dated March 8, 2004, the Examiner rejects claim 1-16 and 31-36 under 35 U.S.C. § 101 due to non-statutory subject matter. In response, Applicant amends claims 1, 12, and 31. Specifically, amended independent claim 1 recites "instantiating, in a computer memory, the behavior expert, the behavior expert having a plurality of memory locations and computer instructions." Claim 11 is canceled by this amendment without prejudice of disclaimer, with its subject matter substantially imparted to claim 12. Amended independent claim 12 recites a "computer readable medium encoded with a program for implementing a behavior expert system." Finally, amended independent claim 31 recites a "computer readable medium encoded with a program for implementing a system." Accordingly, Applicant respectfully submits that the above amendments to independent claims 1, 12 and 31 direct them, and the claims that depend from them, to statutory subject matter.

In the Office Action dated March 8, 2004, the Examiner rejects claims 1-16 and 31-36 under 35 U.S.C. § 112 due to lack of enablement. As addressed in response to the Examiner's rejection under 35 U.S.C. § 101, independent claims 1, 12, and 31, and their corresponding dependent claims, are hereby amended to be directed to statutory subject matter.

In the Office Action dated March 8, 2004, the Examiner rejects claim 6 and 23 under 35 U.S.C. § 112 over enablement. In response, Applicant amends claims 6 and 23. Specifically, claim 6, as amended, recites that the "qualitative value includes a specificity term represented by a fuzzy set." Further, claim 23, as amended, recites that the "qualitative value includes a

specificity term represented by a fuzzy set.” Applicant respectfully submits that the amendments to claims 6 and 23 redresses the basis for the Examiner’s rejection.

In the Office Action dated March 8, 2004, the Examiner rejects claims 1-36 under 35 U.S.C. § 102(e) as being anticipated by Zager. Applicant respectfully traverses the rejection and requests reconsideration. Independent claim 1 is allowable over Zager in that the claim, as amended, recites “the behavior expert performing adaptive feedback control of the infrastructure component, based on the states, if the behavior expert is coded for adaptive feedback control.” Nothing in Zager teaches or suggests at least this feature of the claimed invention. Accordingly, Applicant respectfully submits that independent claim 1, and claims 4-10, and 29, which depend from claim 1, are allowable over the cited reference.

Applicant respectfully traverses the rejection of amended independent claim 12 and requests reconsideration. Claim 12, which is made independent by this amendment, is allowable over Zager in that the claim recites “an output port for exporting zero or more elements of said behavior expert system as public elements so that said elements can be accessed by different behavior expert systems,” and “an input port for importing zero or more elements from different dependent behavior expert systems wherein said zero or more elements are declared as public elements by said different behavior expert systems.” Nothing in Zager teaches or suggests at least this feature of the claimed invention. Specifically, the Modified Objects taught in Zager communicate by means of “messages [that] MO’s pass to one another in their publisher-subscriber relationship.” (Zager, ¶ 152). Applicant respectfully asserts that the cited feature of claim 12 is patentably distinct from the teaching of Zager. Accordingly, Applicant respectfully

submits that amended claim 12, and claims 13-16, that depend from amended claim 12, are allowable over the cited reference.

Applicant respectfully traverses the rejection of amended independent claim 17 and requests reconsideration. Independent claim 17 is allowable over Zager in that the claim, as amended, recites “implementing an adaptive feedback control of the infrastructure component, based on said states, if the behavior expert is coded for adaptive feedback control.” Nothing in the Zager reference teaches at least this feature of the claimed invention. Accordingly, Applicant respectfully submits that independent claim 17, and claims 21-28 and 30, which depend from claim 17, are allowable over the cited reference.

Applicant respectfully traverses the rejection of amended independent claim 31 and requests reconsideration. Independent claim 31 is allowable over Zager in that the claim, as amended, recites that “each behavior expert system has access to the internal states of other behavior expert systems within the plurality.” Nothing in the Zager reference teaches at least this feature of the claimed invention. Specifically, as noted in the response to the rejection of claim 12, the Modified Objects taught in Zager communicate by means of “messages [that] MO’s pass to one another in their publisher-subscriber relationship.” (Zager, ¶ 152). Accordingly, Applicant respectfully submits that independent claim 31, and claims 32-36, which depend from claim 31, are allowable over the cited reference.

Applicants believe the foregoing amendments place the application in condition for allowance and early, favorable action is respectfully solicited. If the Examiner deems that a telephone conversation would further the prosecution of this application, the Examiner is invited to call the undersigned at (202) 496-7500.

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If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: June 8, 2004

Respectfully submitted,

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